

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Flasted Allotment #10280
Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0009-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to ensure the allotment continues to meet Land Health Standards and to issue a ten year grazing permit for the Flasted Allotment (#10280). In June 2012, a lease agreement was submitted to the Miles City Field Office indicating the applicant was in control of the base property for the Flasted Allotment. The lease included the legal descriptions of the recognized base property for the allotment.

GR# 2504401

Allotment name & number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Flasted #10280	7	C	03/01	02/28	100	D	87
Breaks Pasture	66	C	6/01	10/02	87	A	235

Total Active AUMs: 322

Terms and Conditions:

Grazing use is authorized with your normal livestock operation.

Grazing fees must be paid prior to turnout.

Livestock numbers and season of use cannot exceed public land AUMs.

Livestock will not be on the public land continuously for the entire season.

The term of the permit will run from Jan. 01, 2012 to Dec. 31, 2015, which coincides with the dates of the base property lease. Provided that current monitoring information indicates that range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through Dec. 31, 2022.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:
4100 (MTC021)
GR# 2504401

December 12, 2012

Curt Randall
74 East River Rd.
Broadus, MT. 59317

Certified Mail No: 70113500000345159327
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Flasted Allotment (#10280) is located approximately 5 miles east of Alzada, Montana in Carter County. The Flasted Allotment consists of 1,755 acres of public land and 6,422 acres of private land. The BLM acreage on the Flasted Allotment has 322 AUMs of active use. The allotment was analyzed and determined to be meeting the Standards and Guidelines for Rangeland Health in 1999.

In June 2012, Curt Randall submitted, to the Miles City BLM Field Office, a lease showing control of the base property associated with the Flasted Allotment. The lease is valid through Dec. 31, 2016. All other required paperwork has been previously submitted by the applicants and accepted by the Miles City Field Office.

In June 2012, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0009-EA) to analyze renewing the BLM grazing permit for the Flasted Allotment. The proposed action listed that the total active use would be 322 AUMs. The Environmental Assessment was signed by the authorized officer on November 13, 2012.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which authorizes the grazing of the Flasted Allotment, to Curt Randall. The permit will be effective through Dec. 31, 2016 which coincides with the expiration of the base property lease. The grazing permit will be issued as follows:

GR# 2504401

Allotment name & number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Flasted #10280	7	C	03/01	02/28	100	D	71
	2	C	04/01	11/30	100	A	16
Breaks	66	C	06/01	10/02	87	A	234
	1	C	06/01	06/30	87	A	1

Total Active AUMs: 322

Terms and Conditions:

Line 1: Grazing use is authorized with your normal livestock operation.

Grazing fees must be paid prior to turnout.

Livestock numbers and season of use cannot exceed public land AUMs.

Livestock will not be on the public land continuously for the entire season.

Line 2: Exchange of use between Daun and #10280 (16 AUMs). #10280 pays for and Daun uses.

Line 3: Grazing is on a season and numbers. Line 4: Is only to authorize the full preference in the Breaks pasture.

The term of the permit will run from Jan. 01, 2012 to Dec. 31, 2016, which coincides with the dates of the base property lease. Provided that current monitoring information indicates that range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through Dec. 31, 2022.

RATIONALE

The issuance of the grazing permit is provided through a base property lease submitted to the BLM by Curt Randall providing proof of control of the base property associated with the Flasted Allotment (#10280). The applicants also previously submitted the appropriate grazing forms (4130-1, 4130-1a, 4130-1b, and 4120-8) to the Miles City Field Office.

Upon receiving all required forms, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2012-0009-EA) to analyze renewing the grazing permit for the Flasted Allotment. The proposed action listed the total active use would be 322 AUMs. The Environmental Assessment was signed by the authorized officer on November 13, 2012.

The BLM determined that Curt Randall meets the qualifications to be applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property

§4110.2-2 Specifying permitted use

§4130.2 Grazing permits or leases

§4120.2 Allotment management plans and resource activity plans

§4120.3-2 Cooperative range improvement agreements

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road

Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice 43 CFR 4160.3(a).

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 and 43 CFR 4.471, pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed 2 copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the Authorized officer, you will be provided with a signed copy for your records.

If you have any questions on this document, please contact Patrick Merrill, Range Technician at 406-233-2843.

Sincerely,



Todd D. Yeager
Field Manager
Bureau of Land Management; Miles City Field Office

Enclosures: Grazing Permits
Merrill:lrn:12/4/12:Flasted_Randall_Decision_Merrill_2012